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01 U.S. DEPARTMENT OF INTERIOR
02 BUREAU OF LAND MANAGEMENT
03 CALIFORNIA DESERT DISTRICT, RIDGECREST FIELD OFFICE

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08 SURPRISE CANYON EIS

09 PUBLIC AND AGENCY SCOPING MEETING

10

11 MEETING DATE: JULY 31, 2002

12 MEETING TIME: 3:00 P.M.

13 MEETING PLACE: BOULDER CREEK RV RESORT CLUBHOUSE

14 LONE PINE, CALIFORNIA

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20 Transcribed by: Jill Inman-Ferguson

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APPEARANCES

02

03 Meeting Facilitator: John C. Jostes, AICP
04 30 West Mission Street
05 Suite 4
06 Santa Barbara, California
07 93101

08 (805) 687-7032

09

10 General Public Speakers: Michael Dormane

11 Kathy Goss

12 Chuck Williams

13 John Bard

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01 LONE PINE, CALIFORNIA

02 WEDNESDAY, JULY 31, 2002; 3:05 P.M.

03 BOULDER CREEK RV RESORT CLUBHOUSE

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05 MR. JOSTES: Okay. I guess we should
06 probably get started.
07 Okay. My name is John Jostes. I'm an
08 independent facilitator who's been hired by the BLM to
09 help run a series of scoping meetings. And this is the
10 third set of scoping meetings we've had. I'd like to
11 welcome you all, all four of you, here this afternoon.
12 We're basically holding these meetings to
13 get input from you folks on the issues of focus of the
14 Surprise Canyon environmental impact statement in terms
15 of which issues and what questions should be addressed
16 in that document.
17 It's also intended to seek input on the
18 full range of alternatives that need to be addressed in
19 the process of evaluating various access alternatives
20 into Surprise Canyon.
21 This is the first of three classes of
22 opportunity that you all will have to comment on this
23 project or this process. This being the scoping
24 meeting, these meetings are intended to get input so
25 that the draft EIS that's produced is responsive to the

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01 types of issues in the range of the alternatives that
02 you think should be addressed in that document.
03 Rather than going ahead and just hearing
04 this in a vacuum, agencies -- whether they're federal
05 agencies, state agencies, or local agencies -- have set
06 about a much more practical sense to try to get public
07 input early on so that the issues that are addressed
08 are scoped, are focused to the ones that are important
09 to the folks who have an interest in a particular
10 project.

11 The second opportunity you'll have for
12 comment is when the draft EIS is prepared and released
13 for public comment. And there will be a series of
14 public meetings -- at least one. I'm not sure how
15 many. But those will be an opportunity to comment on
16 its completeness, accuracy, objectivity, whether it
17 answers the questions that you think are germane to the
18 issues.

19 And then, finally, after that comment
20 period closes, there will be a protest period following
21 the point in time during which the BLM chooses the
22 preferred alternative. And they will entertain
23 protests from the public as far as your comments on
24 that choice and the basis behind that choice.

25 Today's meeting is not intended to make a

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01 decision. It's simply intended to solicit input.
02 I've tried to be as flexible as I can in
03 terms of not holding this as if it were a large public
04 meeting attended by two hundred people. We've got a
05 limited number of folks here today who have taken the
06 time to come out; so we are going to try to make it as
07 informal as we can. At the same time, I'm going to be
08 taking flip-chart notes to kind of get the general
09 concepts down.

10 Jill on my right is a court reporter, and
11 she is preparing a full, written transcript of what
12 goes on so that the BLM can -- can really have the
13 benefit of what's said in each of the meetings
14 verbatim.

15 So she may interrupt you, or she may
16 interrupt me to slow us down in terms of what we say or
17 question -- what do they call it? -- acronyms that we
18 use as far as abbreviations of things.

19 But basically, the EIS has been scoped to
20 focus on 10 chief issue areas: Natural resources,
21 cultural resources, geology and soils, water quality
22 and water quantity, air quality and noise, recreation,
23 land use, and transportation, aesthetics and visual
24 resources, economic and social issues, and wild and
25 scenic river issues.

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01 If you think that's not enough, if you got
02 particular issues you think should be addressed in
03 detail, we want to hear from you today about what those
04 might be.

05 You should have three or four things in
06 your possession -- an agenda, which we're going to
07 follow this afternoon. And -- and on the back of that
08 are some ground rules, which are the basic boundaries
09 for how we are going to interact today.

10 I use them more with larger groups.
11 But the basic boundaries are: Treat each other with
12 respect; stay focused; share your passion, but focus on
13 the issues you've got to address; and share the
14 relative information you think will make for a better
15 document.

16 There's also a comment form that's on a
17 light-colored piece of paper. This is to provide any
18 written comment either this afternoon, or you can turn
19 them in, or you can mail them in. As long as they get
20 to the BLM before August 30th, which is the close of
21 the public review period, they'll be considered in the
22 preparation of the draft EIS.

23 The last piece is the multi-paged
24 background document put out by the Bureau of Land
25 Management on the Surprise Canyon Project; the scoping

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01 process, the step, that's for you to take away. It's
02 kind of a general information piece.

03 What am I forgetting? From this point
04 forward, we'll take all the comments. I will
05 consolidate my comments into a brief scoping report
06 that will kind of cluster the comments we've heard so
07 far and the ones we'll hear at the up-coming series of
08 meetings.

09 We have other afternoon meetings -- a
10 meeting set for Pasadena next Monday afternoon and
11 Monday evening. Have a fifth meeting scheduled for
12 San Diego Tuesday -- next Tuesday afternoon and
13 evening.

14 And once we complete that, I'll pull

15 together all of my comments. We'll also have the
16 transcripts, and those two together will go to the BLM
17 so that they can integrate those concerns into their
18 document and get a -- get the public's comments
19 integrated into the environment review process.
20 So with that, do you have any other
21 comments, Jill?
22 MS. INMAN-FERGUSON: It's hard to hear in
23 this room. So if you speak a little louder -- I think
24 a lot of voices might travel up to the ceiling -- that
25 might be helpful.

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01 MR. JOSTES: Okay. So if -- if you would
02 like to make some comments, we'd love to hear from you.
03 If you could state your name and, again, fill out a
04 speaker slip so we get your name spelled right, we'll
05 have at it.
06 And I hope we have some comments this
07 afternoon.
08 Any takers.
09 Yes, sir?
10 MR. JOHN BARD: I have a question, and I
11 haven't filled out one of those forms yet.
12 MS. INMAN-FERGUSON: Sorry. I've got to
13 have an identification.
14 MR. JOSTES: Go ahead and state your name.
15 MS. INMAN-FERGUSON: Sorry.
16 MR. JOHN BARD: Sure. But I need a form to
17 follow it up.
18 MS. INMAN-FERGUSON: Your name?
19 MR. JOHN BARD: My name is John Bard.
20 That's B-a-r-d. And I live in Lone Pine.
21 And several friends of mine have asked me
22 to attend the meeting because they weren't able to
23 come. So I really have a question which was if you're
24 going to have flip charts, would there be some copy to
25 be made so that we don't have to take such copious

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01 notes to make the presentation to other people who
02 couldn't come to the --
03 MR. JOSTES: Uh-huh. Uhm, I will be
04 providing my notes to the BLM after we've completed all
05 five meetings. So you know, I'm sure they are going to
06 share it with the public, but I don't know whether
07 we'll be able to share that at the end of this week or
08 not because I'm -- I'm --
09 MR. JOHN BARD: An example, you list the 10
10 areas of concern --
11 MR. JOSTES: Sure.
12 MR. JOHN BARD: I couldn't write them all
13 down that says -- but if -- if there was just a copy of
14 that -- I can -- people who aren't here, at least they
15 could say, "Well, did they cover this topic that's a
16 concern of ours?"
17 And I'd say, "Yes."
18 But this --
19 MR. JOSTES: I'll make sure you can take

20 this with you.
21 MR. JOHN BARD: Thank you very much, John.
22 MR. JOSTES: You bet.
23 Other -- other comments or questions, John,
24 about the process, about the --
25 MR. JOHN BARD: No. This is an excellent
0010 process. And I really think it saves a lot of time.
01 So you don't come out with a draft EIS and then someone
02 blindsides you with concerns.
03 So I thought the process is excellent.
04 Most of my comments I think will be submitted in
05 writing prior to the August deadline --
06 MR. JOSTES: Okay.
07 MR. JOHN BARD: -- as opposed to this
08 meeting because I'm very open.
09 MR. JOSTES: Uh-huh.
10 MR. JOHN BARD: And I'm looking for factual
11 information because my last impression is that after --
12 what was it? -- about a year ago, there was a huge
13 washout in this area, and I don't have any vehicles
14 that can even approach getting up that thing in its
15 present state.
16 MR. JOSTES: Uh-huh.
17 MR. JOHN BARD: So I would like to know if
18 you have engineering analysis of what is possible in
19 addition to all the other environmental impacts. I'd
20 be interested in knowing what can be done.
21 MR. JOSTES: Any thoughts on a particular
22 alternative that you think should be covered?
23 MR. JOHN BARD: I don't want to appear that
24 I'm one of the really passionate people who have a
0011 particular organization or point of view. I was sent
01 here, much more, for information.
02 MR. JOSTES: Okay.
03 I just thought, while you're here, I'd ask.
04 MR. JOHN BARD: I'm just not one of the
05 zealots on this issue.
06 MR. JOSTES: Okay. Thanks.
07 For those of you who just walked in,
08 we're -- we're -- because of the small size of the
09 group, we're pretty much going around the room.
10 If you've got some comments or questions
11 about the environmental issue associated with access in
12 the Surprise Canyon, now's the time to speak up.
13 We have a court reporter. So if you'd
14 state your name for the record and fill out one of
15 these little yellow sheets so we have a record, that
16 would help.
17 Do you have a comment to make?
18 Okay.
19 MS. INMAN-FERGUSON: Your name?
20 MS. JERI FERGUSON: Chuck Williams.
21 MR. CHUCK WILLIAMS: Chuck Williams.
22 MS. INMAN-FERGUSON: Chuck Williams?
23 MR. JOSTES: Anybody else?

25 MS. JERI FERGUSON: I already raised my
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01 comments.
02 MR. JOSTES: We're saving them for last.
03 MR. CHUCK WILLIAMS: Indicate her name.
04 MS. INMAN-FERGUSON: I have it.
05 MS. JERI FERGUSON: I've been at a few
06 meetings. Jeri Ferguson.
07 MR. JOSTES: Anybody like to bring up a
08 point, make a question?
09 Jeri?
10 MS. JERI FERGUSON: I've been reading a lot
11 about the Desert Protection Act and Surprise Canyon --
12 or the Desert Protection Act, in general, and also the
13 new Boxer-proposed bill regarding corridors and
14 cherry-stems.
15 And the only thing that I can find in
16 there -- and I guess BLM needs to contact
17 Senators Feinstein and Boxer to see what their intent
18 was as far as cherry-stems and corridors go because in
19 the wilderness, or the Desert Protection Act, it says
20 that there will be no buffers and that cherry-stemmed
21 in -- whether or not noise and other aesthetic values
22 are -- wait. I didn't even bring it. I'll bring it
23 tonight. But basically it says that the uses that are
24 on those corridors should -- should not -- I mean, they
25 can't be stopped just because they are next to a
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01 wilderness. Buffers are not allowed.
02 And so I guess, you know, with this being a
03 congressionally designated cherry-stem, I'd like to
04 know, you know, how all this other stuff can happen
05 and what Senator Boxer's and Feinstein's intent is.
06 MR. JOSTES: Okay. Ma'am, do you have a
07 comment?
08 MS. MARGRET GRAMS: No. I've been to the
09 previous two meetings.
10 MR. JOSTES: Oh, you have. Okay.
11 MS. MARGRET GRAMS: Margaret Grams,
12 G-r-a-m-s. No H's.
13 MS. JERI FERGUSON: It's going to be a
14 short meeting.
15 MR. JOSTES: It is going to be a short
16 meeting.
17 Last opportunity to --
18 MS. GOSS: I just have an informational
19 question. My name is Kathy Goss, G-o-s-s.
20 I was wondering whether this particular
21 corridor is still considered to be under the wild and
22 scenic river designation, or has that attempt been
23 dropped in Surprise Canyon?
24 Has it been dropped?
25 MS. JERI FERGUSON: Dick would know.
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01 MR. JOSTES: I -- I can't answer that
02 question, but I can put it down here so that it's --
03 MS. KATHY GOSS: And then one other

04 question that came to my attention in the last couple
05 of days that apparently historically, there may have
06 been another route into Panamint City along the ridge.
07 I have no idea since I don't know anything about any
08 off-road tracks in that area except the one we're
09 talking.

10 But is that a fact that people do have
11 access by ridge route into a Panamint City.

12 MR. JOSTES: Do you a feeling one way or
13 another whether that should be considered as another
14 alternative?

15 MS. KATHY GOSS: I just think that if
16 there is a historically documented ridge route that it
17 might be interesting to consider as an alternative.

18 MR. JOSTES: Okay.

19 MS. KATHY GOSS: But I'm not recommending
20 it because I don't know what the route is if you could
21 drive on it.

22 MR. JOSTES: Okay. Other questions,
23 comments?

24 Kathy?

25 MS. KATHY GOSS: No.

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01 MS. MARGRET GRAMS: If I may add --
02 Margaret Grams, again.

03 If I may add to what Kathy has just said,
04 it's my understanding that the older topos do show a
05 trail. I have a feeling it may have been a trail over
06 to {Hungary Bills that goes along the ridge.

07 MR. JOSTES: Okay. That's helpful.

08 MS. JERI FERGUSON: And if -- you're -- I
09 guess if you're doing alternatives, I guess I should
10 throw out the few other alternative since we need
11 alternatives.

12 There's also -- if it has to be limited to
13 be limited by permit only or seasonal -- well, I don't
14 know what's seasonal -- but seasonal or by permit are
15 alternatives that could be looked at. Not that I'm
16 promoting that or anything, but --

17 And that should go for all people not just
18 motorized recreation, but it should be for all people.

19 MR. JOSTES: Okay. That's it. That does
20 it folks. It was a short meeting.

21 Yes, sir.

22 MR. CHUCK WILLIAMS: I'd like to know --
23 Chuck Williams.

24 This was closed by court order; is that
25 correct?

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01 MR. JOSTES: That's correct. It's by a
02 settlement agreement, as I understand it.

03 MR. CHUCK WILLIAMS: Closed by a court
04 order temporarily until this process is over, and
05 that's one of the reasons we are doing this process?

06 MR. JOSTES: That's correct.

07 MR. CHUCK WILLIAMS: So if the court closes
08 this while we're doing this process, what is the

09 justification for keeping it closed? I'd like to see
10 some type of a -- a -- a peer-reviewed, scientist study
11 that shows why Surprise Canyon should be closed, as
12 opposed to having to prove why it should even be
13 opened.

14 MR. JOSTES: Why it should be closed or
15 closed -- or--

16 MR. CHUCK WILLIAMS: I would like to see a
17 scientific study as to why it should be closed.

18 MR. JOSTES: Okay. Other points?
19 Yes.

20 MR. JOHN BARD: John, again.

21 I gather that this lawsuit from the Center
22 for Biodiversity is all a matter of public record. But
23 I'm not acquainted with, specifically, what were the
24 species that they claim were threatened if this had not
25 been temporarily closed. And I think it's along the
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01 same -- my question is along the same lines as Chuck's,
02 I'd like to know what's -- other than this "Cover
03 yourself" reaction so that we don't get into legal
04 trouble, what was the real justification? And that's
05 partly because people can argue that the closure has
06 its own effect on these endangered species.

07 MR. JOSTES: Thanks. Okay.

08 Every time I say it's just about time to
09 wrap it up, we get some more questions; so let's have
10 some more questions or comments.

11 Yes, ma'am.

12 MS. MARGRET GRAMS: Margaret Grams, again.

13 I would like to know what the numbers are
14 in flash floods. I would like to know the flow -- flow
15 rate.

16 MR. JOSTES: I interpret that to mean "peak
17 flows."

18 MS. MARGRET GRAMS: Yes.

19 MR. JOSTES: Okay. Good.

20 MR. JOHN BARD: John, were you facilitator
21 at the prior meeting --

22 MR. JOSTES: Yes, I -- yes, I have been.

23 MR. JOHN BARD: Would you -- would you be
24 willing to just give us a couple of minutes of what
25 some of the major issues that were raised at those
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01 prior meetings or just for people who weren't at them
02 because this is a very small number of people, and
03 nobody is sticking out passionately --

04 MR. JOSTES: Uh-huh.

05 MR. JOHN BARD: -- saying wait a second.

06 You better let me in there because you -- you -- you
07 know, you're taking away my rights. Or at the
08 opposite, you better not let anybody in there because
09 you're messing up an area. I mean, this is a very
10 remote area.

11 MR. JOSTES: Uh-huh.

12 MR. JOHN BARD: It's very unique, also.

13 MR. JOSTES: Yes.

14 MR. JOHN BARD: So can you just share with
15 us.

16 MR. JOSTES: I'd be happy to.

17 MR. JOHN BARD: Thank you.

18 MR. JOSTES: We -- along some of the lines
19 we've all ready spoken to, you've had testimony that
20 this is a very unique and special place from a broad
21 range of perspectives -- from folks associated with
22 conservation and the environmental organizations; as
23 well as, other users, vehicular, biker. Others say,
24 "This is a very special place," a heart and soul of
25 what we do and why we do it.

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01 There has been a theme of wanting to see
02 sound science used to determine what should happen
03 from, again, a variety of perspectives, that they can
04 live with the outcome as long as it is based on sound
05 science.

06 We've heard a number of folks speak about
07 historical use back to the '60s, from '88 to '86 or '89
08 forward, that that affects the flash floods along with
09 biological resources, the resilience of the biological
10 resources.

11 We've had comments about the desire for
12 access for access for folks, people with disabilities
13 as well as their children who can't get in there.
14 We've heard alternatives -- new alternatives from the
15 folks about -- that range from damming the canyon to
16 finding alternative routes.

17 We have heard comments about water quality,
18 sedimentation, the quality of the water before there
19 was to be significant vehicle access in there. The
20 trash and removal by people who are using the canyon,
21 whether they are hikers or vehicular access.

22 There is a variety of "Keep it open."
23 "Keep it closed." We heard a lot about -- a lot of
24 points were made to the issue of the merits or demerits
25 of the proposed action.

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01 And there's many more that I can't quite,
02 you know, put into words, but there has been a wide
03 variety of perspectives, many of which relate to the
04 EIS process and the alternatives; some were geared
05 toward the decision in the process of gathering and
06 analyzing.

07 Yes.

08 MS. KATHY GOSS: One I would ask is several
09 people -- a couple of people probably have asked this.
10 The tribes need to be included in this process.

11 MR. JOSTES: The tribes as well as an
12 environment justice issue. It's based on water supply.

13 So you know, part of the reason we're
14 having this documented by the court reporter is to
15 provide full disclosure of what was spoken through
16 these series of meetings. So mine are kind of from my
17 role of taking notes quickly. And in some cases people
18 would talk to several issues; other people were simply

19 focused on real folks.
20 MR. JOHN BARD: Thank you, John.
21 MR. JOSTES: And it's been helpful to try
22 to get a sense of what people think.
23 Yes?
24 (UNIDENTIFIED PERSON): This is more of a
25 statement than something that you want to write down up

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01 there.

02 But this -- you all know that this is the
03 eastern side of the Sierras over here, and everything
04 that go from the east from here is what is known as the
05 "basin" an arranged topography of the -- of the
06 United -- Western United States. All these mountains
07 are a mountain and then a valley, a mountain and then
08 a valley. And it's always in a constant state of
09 upheaval. The reason there's a canyon there is that
10 water naturally seeks its lowest level and it's cutting
11 Surprise Canyon all the time.

12 Depending on the amount of rainfall, and so
13 forth, you get tremendous flash floods that come down
14 through that canyon and remake the canyon all the time.

15 The mountain is still in a state of
16 upheaval, and it's going to continue to come down and
17 all the off-road people, all the hikers in the entire
18 world do not have near the effect on that canyon as
19 Mother Nature does.

20 And if you just want to talk about air
21 quality and so forth, this particular fire season we've
22 got going on right here in the amount of, you know,
23 pollutions in the air right now far exceed anything
24 that half the Jeeps in California could ever do in that
25 canyon.

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01 So sometimes I think we need to put these
02 things in perspective as to what the overall plan of
03 nature is and not just necessarily what we might think
04 in a short period of time in that canyon because we
05 make up just a -- just a drop in the bucket, a second
06 in the geological time in that canyon. Nothing we're
07 doing over there is going to have as much effect on it
08 as Mother Nature.

09 MR. JOSTES: Uh-huh. Okay. Last
10 opportunity. Going once; going twice.

11 Yes, sir.

12 MR. JOHN MICHAEL DORAME: John Michael
13 Dorame, Inyo County Supervisor.

14 Was there any discussion or -- or anything
15 given to the Court at the time the decision was being
16 made in regard to the counties RS-2477 valid existing
17 rights for ingress and egress of Surprise Canyon that
18 dates back to the 1870s?

19 MR. JOSTES: I'm not aware of the specifics
20 of the lawsuit; so I couldn't respond to that. But
21 several other people have raised that. Last night and
22 the night before, we took it down. So that will go
23 into the record. My understanding is that those are

24 separate processes, but I'm not with the -- with the
25 BLM; so I really can't give you an answer.

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01 MR. JOHN MICHAEL DORAME: You know, it
02 raises the question of whether or not the Court was
03 aware that the county had valid and existing RS-2477
04 rights when the court entered the decision.
05 And if it rendered the decision so that BLM had to
06 take action to gate off the roadway -- then, you know,
07 it falls into the same question of whether or not sound
08 science is being used to make some of these decisions.
09 If the Court did not have all the evidence in regard
10 to, you know, the history of the road, itself, then how
11 can the Court render a decision without all the
12 evidence?

13 MR. JOSTES: That's a good point.

14 MR. JOHN MICHAEL DORAME: That needs to be
15 visited legally.

16 MR. JOSTES: We've got that.

17 MR. JOHN MICHAEL DORAME: Thank you.

18 MR. JOSTES: Okay. Other comments?

19 Michael?

20 Okay. Is there anybody else who came in a
21 little after we started and would like an opportunity
22 to make comments on the issues of focus for the
23 Environmental Impact Statement or the alternatives to
24 be considered in that document?

25 Okay. Hearing none, we're going to bring

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01 our meeting to a close this afternoon.

02 We'll reconvene this evening here at
03 seven o'clock for a second session. You all are
04 welcome to come back and raise additional issues if
05 you -- if you care to.

06 I have been urging those who have spoken
07 more than once to not repeat themselves, but if they
08 have additional comments they wish to make, do so at
09 that time.

10 Thank you all for coming.

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12 (Whereupon, at 3:26 p.m., the
13 Scoping Meeting was concluded.)
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01 STATE OF CALIFORNIA)
01) ss.

02 COUNTY OF KERN)

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06 I, Jill Inman-Ferguson, do hereby certify
07 that I transcribed the foregoing-entitled matter; and I
08 further certify that the foregoing is a full, true, and
09 correct transcription of such proceedings.

10 Dated this September 9, 2002, in
11 Bakersfield, California.

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Jill Inman-Ferguson

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